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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,251	02/20/2004	Laura C. Blumberg	PC25698A	1409
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PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340				
EXAMINER				
MOORE, SUSANNA				
ART UNIT		PAPER NUMBER		
1624				
MAIL DATE		DELIVERY MODE		
12/07/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,251

Applicant(s)

BLUMBERG ET AL.

Examiner

Susanna Moore

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13, 14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 9/25/2007, with respect to the Office Action, mailed 6/27/2007, have been fully considered. The rejections are pending, are new or are necessitated by Applicants amendment. Claims 1-4, 13 and 14 are currently under consideration. There are new rejections, thus, this is a third Nonfinal Office Action.

Newly submitted claim 16 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 1-4, 13 and 14 are drawn to compounds and simple compositions, while claim 16 is drawn to a method.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 16 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

The objection of claim 1 for the period at the end of line 8 is withdrawn based on the amendment.

The objection of claim 4 for the term "acid" and "ester" in line 22 of claim 4 is withdrawn based on the amendment.

The objection of claim 6 under 37 CFR 1.75(c), as being of improper dependent form is withdrawn due to the cancellation of said claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The rejection of claims 4 and 6 under 35 U.S.C. 112, second paragraph, for the “R^{2a}” is withdrawn based on the amendment.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The definition of R^{2a} in claim 4, line 19, has “(C1-C6)acid” and (C1-C6)ester” but this is vague. What kind of acid is Applicant claiming? Is this a carboxylic acid? Is the carbonyl carbon included in the carbon count, if Applicant intends a carboxylic acid? Is the carbonyl carbon included in the carbon count for the ester? Furthermore, the “(C1-C6)ester-(C1-C6)alkyl-O-” has this same language in line 39. Also, in claim 4, line 21, the substituent “(C1-C6)alkoxy(C1-C6)ester” names and ester. Does this count include the carbonyl carbon? Is this substituent connected through a carbon or oxygen in the ester functionality?

Applicant has not addressed this rejection.

The rejection of claim 6 under 35 U.S.C. 112, second paragraph, for "said pyrimidyl moiety" but claim 4 does not recite "pyrimidinyl" is withdrawn based on the cancellation of claim 6.

The rejection of claims 1-4, 6, 13 and 14 under 35 U.S.C. 112, first paragraph, for "prodrug" is withdrawn based on the amendment.

The rejection of claims 1-4, 6, 13 and 14 under 35 U.S.C. 112, first paragraph, for hydrates is withdrawn based on the amendment.

Claims 1-4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The integer s is defined as one to five but the pyridinyl ring which contains the R^3 substituent does not allow for five substituents.

The term "heterocyclic" defines a fully valent compound. Applicant should change the term to "heterocyclyl" to represent a substituent. This term is found throughout claims 1 and 4.

Allowable Subject Matter

Claim 13 contains allowable subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna Moore whose telephone number is (571) 272-9046. The examiner can normally be reached on M-F 8:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna Moore/
Examiner, Art Unit 1624

/Brenda L. Coleman/

Primary Examiner, Art Unit 1624